RESOLUTION

WHEREAS, effective January 1, 2004, the Texas Legislature passed new laws, HB 2458, reference state fuel tax;

WHEREAS, the new Chapter 162 replaces the current motor fuel tax law, Chapter 153;

WHEREAS, the City of El Paso may continue to purchase diesel fuel for off highway use;

WHEREAS, the City of El Paso may file a tax refund claim for the \$.20/gallon state fuel tax for the calendar year, 2004; and

WHEREAS, effective January 1, 2005, the City of El Paso will not be eligible for this refund without a permit allowing for the purchase of dyed diesel fuel;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Application and any other related documents for the Dyed Diesel Fuel User Permit, allowing the City of El Paso to purchase dyed diesel fuel for off highway use (primarily at landfills).

PASSED AND APPROVED this 4th day of May, 2004.

Joe Wardy Mayor ATTEST:

Richarda Duffy Momsen City Clerk

APPROVED AS TO FORM:

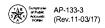
APPROVED AS TO CONTENT:

CITY OF EL PASO

Teresa Garcia

Assistant City Attorney

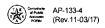
Jeffrey Belles, Director Fleet Maintenance Services



TEXAS APPLICATION FOR FUELS TAX LICENSE

Page 1

• TYPE OR PRINT • Do NOT write in shaded areas. Pag									
		SOLE OWNER IDENTIFICATION							
	1. '	Name of sole owner (First, middle initial, and last name)							
١.	.	Social security number (SSN) 3 Taxpayer number for reporting any Texas tax OR Texas identification							
-		a i number if you now have or							
	٤	NASOLE OWNER IDENTIFICATION							
		ALL SOLE OWNERS SKIP TO ITEM 9							
	ļ	Texas registered limited liability partnership (PR) Texas limited liability company (CL) Non-Texas limited liability company (Cl) Estate (ES)							
	[General partnership (PG) Texas nonprofit corporation (CN) Non-Texas nonprofit corporation (CM) Professional association (AF							
	[☐ Limited partnership (PL or PF) ☐ Trust (FM) Please submit a copy of the trust agreement with this application							
،	✓ Other (explain) Governmental Agency, City of El Paso								
)	5. Legal name of partnership, company, corporation, association, trust, or other City of El Paso								
		Faxpayer number for reporting any Texas tax OR Texas identification number if you now have or have ever had one.							
3	1.	Check here if you do not have an FEIN.							
		. Mailing address street number, P.O. Box, or rural route and box number							
×	إ	2 Civic Center Plaza							
BUSINESS INFORMATION	١	State/province ZIP code Country, if outside the U.S.) EI Paso Texas 79901-1196							
N.W	10	. Name of person to contact regarding day to day business operations Daytime phone							
NF		Jeffrey A Belles, Fleet Services Department 915 / 621 - 6821							
SS	11	Principal type of business							
N.		☐ Agriculture ☐ Transportation ☐ Retail Trade ☐ Real Estate ☐ Mining ☐ Communications ☐ Finance ☐ Services ☐ Construction ☐ Utilities ☐ Insurance ☐ Public Administration ☐ Manufacturing ☐ Wholesale Trade ☐ Other (explain) Local Government							
ã		= 1110110110110							
	12 	Primary business activities and type of products or services to be sold Local Government							
	 /:	Svou are a SOLE OWNER skip to Item 18							
		If the business is a Texas profit corporation, nonprofit corporation, professional							
	1 4	corporation, or limited liability company, enter the charter number and date							
	17	country of incorporation, charter number and date, Texas Certificate of Authority number and date.							
		State/country of inc. Charter number Month Day Year Texas Certificate of Authority number Month Day Year El Paso NA							
	45	if "YES," attach a							
		If the business is a corporation, have you been involved in a merger within the last seven years? YES with detailed explanation. If the business is a limited partnership or registered limited liability State Number							
NO.		partnership, enter the home state and registered identification number.							
MAT	17.	General partners, principal members/officers, managing directors or managers (ALL GENERAL PARTNERS MUST BE LISTED - Attach additional sheets, if necessary Name Title Phone (Area code and number)							
S S		NA							
Ĭ		Home address City State ZIP code							
KER		SSN or FEIN Date of Birth Driver's license number State Country (or country, if outside the U.S.)							
TAXPAYER INFORMAT		SSN or FEIN Month Day Year Percent of Ownership Wear Ownership Ow							
≱		Position held Partner Officer Director Corporate Stockholder Record keeper							
		Name Title Phone (Area code and number)							
		Home address City State ZIP code							
		SSN or FEIN Date of Birth Driver's license number State Country, if outside the U.S.)							
		Month Day Year Percent of ownership %							
-		Position held Partner Officer Director Corporate Stockholder Record keeper							
징	18.	Business location name and address (Attach additional sheets for each additional location.)							
BUSINESS LOCATION		Business location name City of EL Paso							
		Street and number (Do not use P.O. Box or rural route) City State ZIP code County							
ESS		2 Civic Center Plaza El Paso TX 79901							
NS		Physical location (If business location address is a rural route and box number, provide directions.) Business location phone 1059 Lafavette St. El Paso TX 79907 Business location phone 915 1 / 621							
m		1059 Lafayette St, El Paso TX 79907 915 / 621 - 6821							

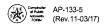


TEXAS APPLICATION FOR FUELS TAX LICENSE

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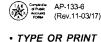
THE ON FRIM	ı ugc
19. Legal name of entity (Same as Item 1 OR Item 5)	
City of El Paso	
LICENSE TYPES YOU MAY APPLY FOR MULTIPLE LICENSES ON THIS APPLICATION.	
20. Please check the type of license(s) for which you are applying. A - TERMINAL OPERATOR - A terminal operator is a person who owns, operates, or otherwise control Terminal Control Number under the Internal Revenue Code.	s a terminal and has been issued a
Type of terminal Barge	Pipeline Refinery
Attach additional sheets, listing all terminals located in Texas, including city, state, ZIP code and	Terminal Control Number.
B - SUPPLIER - A <i>supplier</i> is a person registered under Section 4101, Internal Revenue Code, (637 Certific of motor fuel in the bulk transfer/terminal system, and is a position holder of motor fuel in a terminal or receives motor fuel in this state under a two-party exchange. A position holder has a contract with a term facilities and terminaling services for motor fuel at a terminal. A supplier may act as a distributor, importer, exp without obtaining a separate license.	finery in this state or a person who inal operator for the use of storage
Do you hold position (own an inventory in a terminal for sale or exchange) and have been issued a federal Certificate of Registry (under 26 U.S.C. Section 4101) by the Internal Revenue Service?	
Do you purchase/sell motor fuel in the bulk terminal/transfer system, but have not been issued a federal Certificate of Registry (under 26 U.S.C. Section 4101) by the Internal Revenue Service?	ou are required
to pay the state motor fuels tax at the time of purchase on sales in the bulk transferitermina Please check the appropriate fuel type(s):	
Over the next year, state the average total tax-free gallons sold and/or imported per month.	
REQUIRED BOND AMOUNT (Multiply amount in previous line by .40 to calculate the required bond amount) (Report this amount in item 27 of this application. Minimum = \$30,000; maximum = \$600,000.)	X .40
C - PERMISSIVE SUPPLIER - A permissive supplier is a person registered under Section 4101, Interna Registration), and is a position holder in motor fuel located only in another state or receives motor fuel only exchange and elects, but is not required, to have a supplier's license for the purpose of collecting tax on motor terminal destined for delivery into Texas. A permissive supplier may act as a distributor, importer, exporter, ble obtaining a separate license.	in another state under a two-party or fuel removed from an out-of-state
Do you hold position (own an inventory in a terminal for sale or exchange) in motor fuel in an out-of-state terminand have been issued a federal Certificate of Registry (under 26 U.S.C. Section 4101) by the Internal Revenue If "YES," list your Certificate of Registry Number:	Service? YES NO
Do you elect to collect Texas tax on motor fuel removed from the out-of-state terminal destined for Texas?	YES NO
Attach additional sheets, listing all out-of-state terminals where Texas tax will be collected, including city, state, ZIF	
Please check the appropriate fuel type(s):	diesel fuel gasoline
Over the next year, state the average total tax-free gallons sold and/or imported per month	
REQUIRED BOND AMOUNT (Multiply amount in previous line by .40 to calculate the required bond amount) (Report this amount in item 27 of this application. Minimum = \$30,000; maximum = \$600,000.)	X .40
D - DISTRIBUTOR - A <i>distributor</i> is a person who acquires motor fuel from a licensed supplier, permissive supand who makes sales at wholesale (deliveries for resale and/or sales in bulk deliveries by way of transport true addition to selling at wholesale, a distributor's activities may include sales at retail. A licensed distributor may act without obtaining a separate license. A separate license is required to operate as an aviation fuel dea	ck, railcar, or barge to end-users). In tas an importer, exporter, or blender
Do you purchase motor fuel from a licensed supplier, permissive supplier or another licensed distributor for resale at wholesale?	YES NO
Do you purchase motor fuel for resale only through your own retail stations?	YES NO
Do you purchase motor fuel for resale at wholesale and also through your own retail stations?	YES LINO
Please check the appropriate fuel type(s):	
Over the next year, state the average total tax-free gallons sold and/or imported per month.	X .40
REQUIRED BOND AMOUNT (Multiply amount in previous line by .40 to calculate the required bond amount) (Report this amount in item 27 of this application. Minimum = \$30,000; maximum = \$600,000 .)	
E - IMPORTER - An <i>importer</i> is a person who imports motor fuel into this state. An importer may act as an experimental separate license. An importer must also complete the Texas Application for Petroleum Product Delivery Fee Perropo you import motor fuel into Texas outside the bulk transfer/terminal system?	mit, Form AP-154.
If "YES," attach additional sheets, listing the state and license number issued to you by the state where the moto	
Do you import motor fuel into Texas for resale at wholesale? (If "YES," also complete section for distributor licens	se) YES NO
Do you import motor fuel into Texas for resale only through your own retail stations?	YES NO
Do you import motor fuel into Texas for your own use only?	YES NO
Do you purchase tax-free dyed diesel fuel in Texas for your own use?	YES NO
Please check the appropriate fuel type(s):	
Over the next year, state the average total tax-free gallons sold and/or imported per month	X .40
REQUIRED BOND AMOUNT (Multiply amount in previous line by .40 to calculate the required bond amount) (Report this amount in item 27 of this application. Minimum = \$30,000; maximum = \$600,000.)	



TEXAS APPLICATION FOR FUELS TAX LICENSE

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• TY	PE OR PRINT	• Do NOT write in shaded areas.			Page
21.	Legal name of entity (Same as Item 1 OR Item 5)				
		City of El Paso			
	the bulk transfer/terminal system by mean	 - A motor fuel transporter is a person who transports gasolings of a transport vehicle, railroad tank car, or a marine vesselen their own cargo tank for their own use and not for resaled. 	. A motor fuel		
	Do you transport your own motor fuel or mot transfer/terminal system by means of a trans	or fuel owned by others outside the bulk port vehicle, a railroad tank car, or marine vessel?		YES	NO
	fuel exclusively into the supply tanks of a	iation fuel dealer is a person who is the operator of an aircrafircraft or into equipment used solely for servicing aircraft an gasoline or diesel fuel on which a fuel tax is required to be	id used exclu	isively off-highway. An aviatio	
	be delivered only into aircraft, aircraft servicin	airport from which all gasoline, aviation gasoline, jet fuel, and og equipment or into the bulk storage tanks of other licensed	aviation fuel	dealers? YES	NO NO
	H - LIQUEFIED GAS DEALER - A lie supply tanks of motor vehicles displayidealer's liquefied gas tax decal.	quefied gas dealer is a person authorized to collect and paing an out-of-state license plate or a current year IFTA d	ay taxes on l lecal and/or	iquefied gas delivered into t vehicles displaying motor v	he fuel vehicle
	If "YES," attach additional sheets, listing Please check the appropriate fuel type(s): .	n who exports motor fuel from this state. nsfer/terminal system to a destination other than Texas? the state and license number issued to you by the s ax-free gallons sold and/or imported per month	state where	the motor fuel is destined diesel fuel gaso	
	REQUIRED BOND AMOUNT (Multiply amou	ax-free gallons sold allow imported per motion	nount)	Χ	40
	J - BLENDER - A blender is a person wh products with another product, regardless of power for the propulsion of a motor ve	no produces blended motor fuel outside the bulk transfer/ten s of the original character of product blended, if the blended ehicle.	minal system motor fuel is	by mixing one or more petroscapable for use in the gene	oleum
	the bulk transfer/terminal system into a produ	gents, components or other materials with petroleum product to that is capable of being used in an engine to propel a mo	otor vehicle?] NO
		au face college cold and log imported and more			line
	•	ax-free gallons sold and/or imported per month			40
	REQUIRED BOND AMOUNT (Multiply amou (Report this amount in item 27 of this appli	nt in previous line by .40 to calculate the required bond an ication. Minimum = \$30,000; maximum = \$600,000 .)	10unt)		
	commercial purposes and the motor vel or (3) is used in combination and the re United States Department of Transport	terstate trucker is a person who operates a motor vehichicle (1) has two axles with a registered gross weight in egistered gross weight of the combination exceeds 26,000 ation (USDOT) number:	excess of 26 pounds.	,000 pounds; (2) has three	axles;
	or obtain a trip permit. If you are base plat Please check the appropriate fuel type(s): . NOTE: If you purchase liquefied gas in under IFTA, you must also appl	o other states, you may need to apply for an International F ted in another IFTA state or Canadian province, check we liquefied bulk to be used in a motor vehicle that is licensed by for a Liquefied Gas Tax Dealer's License.	ith that juriso d gas [I as an Inte	diction's officials. diesel fuel gaso	oline red
		38?			NO NO
	Do you carry passangers or properly in Text	as when both the pickup and delivery occur within Texas?		YES	NO
	Do you have facilities and/or employees, ind] NO
V	use, except as provided by Sec. 162.2 licensed permissive suppliers, or license gallons a month of dyed diesel fuel for the second seco	USER - A dyed diesel fuel bonded user is a person what 35, Tax Code, and is authorized to purchase ONLY dyed distributors. A dyed diesel fuel bonded user license aut the user's own use.	d diesel fuel horizes a us	tax free from licensed sup eer to purchase more than 1	pliers,
	Do you intend to purchase more than 10,000	gallons a month of dyed diesel fuel?		YES	NO
		delivery and 10,000 gallons or less per calendar month?	••••••	YES	NO
	fuel used exclusively in off-highway agricultu	delivery and 25,000 gallons or less per calendar month for our all equipment for the production of crops, livestock, and/our exclusively in the initial start-up or to increase oil and gas	r other	YES	ON [
	Do you have bulk storage facilities?			YES] NO
	Are you purchasing the dyed diesel fuel exc	lusively for your own use?		YES	NO
	Will any of the dyed diesel fuel be delivered it	into the fuel supply tank of a motor vehicle licensed for high	hway use?	YES	NO
	-	ax-free gallons acquired per month		30000 X .4	40
	REQUIRED BOND AMOUNT (Multiply amou (Report this amount in item 27 of this appli	nt in previous line by .40 to calculate the required bond an ication. Minimum = \$10,000; maximum = \$600,000 .)	nount)		



TEXAS APPLICATION FOR FUELS TAX LICENSE

S	TAX	LICENSE			_	
			• Do NOT w	rite in	shaded	areas

Page 4

22. Legal name of owner (Same as Item 1 OR Item 5) City of El Paso If you purchased an existing business or business assets, complete Items 23-26. Previous owner's taxpaver number PREVIOUS OWNER INFORMATION 23. Previous owner's trade name. (if available) NA 24. Previous owner's legal name, address and phone number. ne (Area code and numb ZIP code City Address (Street and number) State 25. Check each of the following items you purchased. Corporate stock Equipment For Comptroller Use Only Inventory Real estate Other assets 26. Purchase price of this business or assets and the date of purchase. **□ =** 00991 Reference no. Purchase price Date of purchase Items 27 - 34 must be completed by surety company or financial institution. Please make copies of Items 27 - 35 to report multiple bonds. 27. Check type of surety/security securing permit applied for and indicate amount. (Complete only Items indicated.) Letter of Credit [Assignment Letter of Credit (Form 00-812) must be attached] Certificate of Deposit assignment [Assignment of Certificate of Deposit assignment (Assignment of Certificate of Deposit (Form 00-808) must be attached] Cash deposit Surety bond (Complete Items 27-35.) 28. Legal name of surety company/financial institution that is authorized and qualified to do business in the State of Texas City Government Agency, Exempt 29. Mailing address of surety company/financial institution County (or country, if outside the U.S.) State ZIP code SECURITYINFORMATION 30. Surety company/financial institution Federal Employer's Identification Number... If "YES," enter number 31. Does surety company/financial institution have a Taxpayer number for reporting any Texas tax OR a Texas Identification number YES 32. Bond beginning effective date Surety bond number Bond amount \$ 33. Applicant as PRINCIPAL and surety company as SURETY, their heirs, executors and assigns, are liable to the State of Texas SURETY for \$ · Bond is security for Fuels Tax License issued to principal under Motor Fuels Tax Law. (Check only ONE type of license.) GASOLINE: (TEX.TAX CODE ANN. sec. 162.111) DIESEL FUEL: (TEX.TAX CODE ANN. sec. 162.212) •The bond will be extended from calendar year to calendar year as a new and separate obligation for each calendar year or portion of a calendar year, and it will remain in full force until the principal pays to the Comptroller of Public Accounts at Austin, Texas, all taxes, penalties, interest, and costs due under the license applied for. Bond will not be invalidated if the Comptroller recovers on the bond, a new bond is issued, or if the license is revoked, renewed or a new license issued. •The Comptroller may demand a new bond if a new license is issued or an old one renewed. •The Comptroller may enforce the obligations of this bond, including filing suit, without exhausting remedies against the principal's assets. · A written power of attorney must be attached to this bond. Principal does not need to be made a party to any lawsuit. sign 34. Signed this day of , 20 Date of application 35. The sole owner, all general partners, corporation president, vice-president, secretary or treasurer, managing Month Day director, or an authorized representative must sign this application. Representative must submit a written power 2004 05 01 of attorney with application. (Attach additional sheets, if necessary.) I (We) declare that the information in this document and any attachments is true and correct to the best of my (our) knowledge and belief. Type or print name and title of sole owner, partner or officer sign here Joe Wardy, Mayor of El Paso ATTEST: sign Richarda Duffy Momsen, City Clerk here! APPROVED AS TO FORM: sign Teresa Garcia, Assistant City Attorney here APPROVED AS TO CONTEN: Jeffrey Belles, Director, Fleet Services

TEXAS APPLICATION FOR FUELS TAX LICENSE



CAROLE KEETON STRAYHORN • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

GENERAL INFORMATION

WHO MUST SUBMIT THIS APPLICATION - You must submit this application if you are a sole owner, partnership, corporation, or other organization who is required to be licensed under Texas Motor Fuels Tax Law for the type and class of license required. (TEX.TAX CODE ANN. ch. 162)

FOR ASSISTANCE - If you have any questions about this application, filing tax returns, or any other tax-related matter, you may contact the Texas State Comptroller's field office in your area or call 1-800-252-1383 toll free nationwide. The Austin number is 512/463-4600. If you're calling from a Telecommunications Device for the Deaf (TDD), the toll free number is 1-800-248-4099, or in Austin, 512/463-4621. The Tax Help E-mail address is: <tax.help@cpa.state.tx.us>.

GENERAL INSTRUCTIONS -

- · Please do not separate pages.
- · Write only in white areas.
- · Complete this application and mail to:

COMPTROLLER OF PUBLIC ACCOUNTS 111 E. 17th Street

Austin, Texas 78774-0100

FEDERAL PRIVACY ACT - Disclosure of your social security number is required and authorized under law, for the purpose of tax administration and identification of any individual affected by applicable law. 42 U.S.C. §405(c)(2)(C)(i); Tex. Govt. Code §§403.011 and 403.078. Release of information on this form in response to a public information request will be governed by the Public Information Act, Chapter 552, Government Code, and applicable federal law.

You have certain rights under Ch. 559, Government Code, to review, request, and correct information we have on file about you. Contact us at the address or toll-free number listed on this form.

SPECIFIC INSTRUCTIONS

- Item 1 SOLE OWNER: Enter the first name, middle initial and last name.
- Item 4 OTHER ORGANIZATION: Explain the type of organization. Examples: Social Club, Independent School District, Family Trust. Please submit a copy of the trust agreement.

TEXAS CORPORATION: Enter the charter number assigned by the Secretary of State and date of the charter. FOREIGN CORPORATION (chartered out of Texas): Enter the state in which the business is incorporated, the charter number, AND the Texas Certificate of Authority Number and date.

LIMITED PARTNERSHIP: Enter the state in which the partnership is registered and the limited partnership number issued by the Secretary of State.

- Item 5 PARTNERSHIP: Enter the legal name of the partnership.

 CORPORATION: Enter the legal name exactly as it is registered with the Secretary of State.

 OTHER ORGANIZATION: Enter the title of the organization.
- Items 3 & 6 If you have both a Texas Taxpayer Number and a Texas Identification Number, enter the Texas Identification Number. (Use only the first eleven digits of this number.)
 - Item 7 Enter the Federal Employer's Identification Number (FEIN) assigned to your business by the Internal Revenue Service.
 - Item 9 Enter complete mailing address where you wish to receive mail from the Comptroller of Public Accounts. If you wish to receive mail at a different address for other taxes, attach a letter with other addresses.
 - Item 17 PARTNERSHIP: Enter information for all partners. If a partner is a corporation, enter the Federal Employer's Identification Number (FEIN) of the corporation. If a general partner is an individual, enter the Social Security Number. CORPORATION or OTHER ORGANIZATION: Enter the information for the principal officers (president, vice-president, secretary).
 - Item 19 Enter the actual location of your business, street address or meaningful directions. Example: "3 miles south of FM 1960 on Jones Road." DO NOT use P.O. Box or Rural Route Number.
 - Item 20 Check the appropriate block(s). This application can be used to apply for multiple fuel licenses.